

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MASSIMILIANO PINCIONE,)	
)	
Plaintiff)	
v.)	No. 1:11-cv-367-AJT/IDD
)	
DAVID DALE)	
)	
Defendant.)	
_____)	

ORDER

This matter comes before the Court on Defendant David Dale's Motion for Leave to Amend the Counterclaims (Doc. No. 29). On October 19, 2011, the Magistrate Judge issued a Report and Recommendation ("R & R") (Doc. No. 54) recommending that leave to amend be denied, in response to which defendant filed his Objection to Report and Recommendation Regarding Counterclaims ("Objection") (Doc. No. 67). The Court, having considered defendant's Objection, and reviewed *de novo* defendant's Motion for Leave to Amend the Counterclaims (Doc. No. 29), the memoranda in support thereof, and the brief in opposition thereto, concludes that amendment would be futile because the defendant's proposed amended counterclaims fail to state a claim upon which relief may be granted. According, it hereby

ORDERED that the Magistrate Judge's Report and Recommendation dated October 19, 2011 (Doc. No. 54) be, and the same hereby is, ADOPTED; and it is further

ORDERED that Defendant's Motion for Leave to Amend the Counterclaim (Doc. No. 29) be, and the same hereby is, DENIED.

The Clerk is directed to forward copies of this Order to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
November 1, 2011